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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,817

06/25/2007

Robert Joseph Montague Versey

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EXAMINER

YABUT, DANIEL D

ART UNIT

PAPER NUMBER

3656

MAIL DATE

DELIVERY MODE

09/29/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/589,817	<b>Applicant(s)</b> VERSEY, ROBERT JOSEPH MONTAGUE	
	<b>Examiner</b> DANIEL YABUT	<b>Art Unit</b> 3656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 81-100 is/are pending in the application.
- 4a) Of the above claim(s) 92-98 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 81-91,99 and 100 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/25/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of Group I, corresponding to claims 81-91, 99 and 100, in the reply filed on 09/08/2010 is acknowledged. The traversal is on the ground(s) that Neilsen does not anticipate or make obvious the invention recited in claim 81, nor does it anticipate or make obvious the other pending claims that depend from claim 81. This is not found persuasive because Neilsen indeed anticipates the aforementioned claims as can be seen in the following action below.

The requirement is still deemed proper and is therefore made FINAL.

### ***Drawings***

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the current set of drawings are informal (i.e. noticeably hand drawn making structural details unclear). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 88 and 90 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Regarding **claim 88**, regarding human anatomy, the recitation "Arm rests are configured to receive pressure from the **rider's arms**" (emphasis added) is indefinite because the relationship of the claimed parts, such as, the "rider's arms" and "arm rests" is not based on an objective standard, but on a subjective standard such as the unspecified build of the "rider's arms". Whether or not the arm rests are configured to receive pressure from the "arms" of a rider is covered by the claims would depend upon, e.g., the size, shape, and build of the arms of the rider and the habit of the rider.

Regarding **claim 90**, regarding human anatomy, the recitation "when the rider removes their arms from the arm rests" is indefinite because the relationship of the claimed parts, such as, the "arms" and "arm rests" is not based on an objective standard, but on a subjective standard such as the unspecified build of the "arms". Whether or not the releasable locking means is released upon removal of the "arms" of a rider is covered by the claims would depend upon, e.g., the size, shape, and build of the arms of the rider and the habit of the rider.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. **Claims 81-91, 99 and 100**, as best understood, are rejected under 35

U.S.C. 102(a) as being anticipated by Nielsen (US PG Publication 2003/0089191 A1).

Nielsen discloses a steering apparatus for control of a vehicle (Fig. 1) comprising a(n):

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*Re claim 81*

- Handlebars (14A, 14B) which are independently adjustable (para. [0037]) / L24-28) between at least two positions (see positions in Fig. 1-2)
- Arm rests (portions at 14A and 14B in Fig. 1) associated with each of the handlebars
- Each arm rest is configured to activate an actuator for the transfer of the respective handlebar between a second position and a first position (para. [0037] / L24-28).

*Re claim 82*

- Second position is a base position (Fig. 1)

*Re claim 83*

- First position is an aero position (Fig. 2)

*Re claim 84*

- Each handlebar independently pivots around a central point (38)

*Re claim 85*

- Handlebars include at least one resilience means (126) which is in an extended/loaded configuration when the handlebars are in the second position.

*Re claim 86*

- Resilience means is a spring (126).

*Re claim 87*

- Releasable locking means (114, 64) which engages the handlebars when in the second position, and releases the handlebars when the actuator is activated (para. [0037] / L22-31).

*Re claim 88*

- Arm rests are configured to receive pressure from the rider's arms, which activates the actuator (para. [0037] / L24-28).

*Re claim 89*

- Handlebar is transferred from the second position to the first position (para. [0037] / L24-28) when the actuator is activated

*Re claim 90*

- Releasable locking means which engages the handlebars when in the first position, and releases the handlebars when the rider removes their arms from the arm rests (para. [0037] / L22-31).

*Re claim 91*

- Vehicle is a bicycle (para. [0027])

*Re claim 99*

- Vehicle including a steering apparatus as claimed in claims 81 (para. [0027])

*Re claim 100*

- Bicycle including a steering apparatus as claimed in claim 81 (para. [0027])

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL YABUT whose telephone number is (571)270-5526. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:00 P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard W. Ridley can be reached on (571)272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DANIEL YABUT/  
Examiner, Art Unit 3656  
9/25/2010

/Richard WL Ridley/  
Supervisory Patent Examiner, Art Unit 3656